

## PROHIBITED ACTIVITIES OF LICENSED EMPLOYMENT AGENCIES

### *Licensed employment agencies may not...*

- ⊗ Publish false, fraudulent, or misleading information
- ⊗ Direct an applicant to an employer without first having obtained a bona fide work order/job offer
- ⊗ Send an applicant to a job that is operating in violation of minimum wage, child labor, or compulsory education laws
- ⊗ Send an applicant to a place of employment maintained for immoral or illicit purposes
- ⊗ Compel any person to enter into an agency by force
- ⊗ Require job applicants to subscribe to any publication or incidental service
- ⊗ Refuse to return on demand any personal property belonging to a job applicant
- ⊗ Send any applicant to a place of employment that is on strike, without first notifying the applicant
- ⊗ Solicit, persuade, or attempt to induce an employee to leave an assignment if for the purpose of securing a new fee from such employee
- ⊗ Divide, share, or offer to divide or share service fees with employer clients
- ⊗ Solicit, persuade, induce, or attempt to induce any employer to create a vacancy by discharge

The Employment Agency Program protects the rights of workers being placed by employment agencies, and ensures that said agencies use fair, ethical, and legal business practices that promote worker satisfaction and result in higher quality of service delivery.

We regulate modeling agencies, elder-care placement agencies, nanny and babysitter placement agencies, temporary and permanent staffing and labor firms, and any for-profit agency that derives a fee from placing a worker in a job in Massachusetts.

To learn more about this program within the Massachusetts Department of Labor - Division of Occupational Safety, visit our website at:  
[www.mass.gov/dos/](http://www.mass.gov/dos/).

*This brochure is presented as a public service by the  
Commonwealth of Massachusetts'*

**DIVISION OF  
OCCUPATIONAL SAFETY  
EMPLOYMENT AGENCY PROGRAM**  
399 Washington Street, 5th Floor  
Boston, MA 02108

**Phone: 617.727.3696**

**Fax: 617.727.0726**

**Website: [www.mass.gov/dos/](http://www.mass.gov/dos/)**

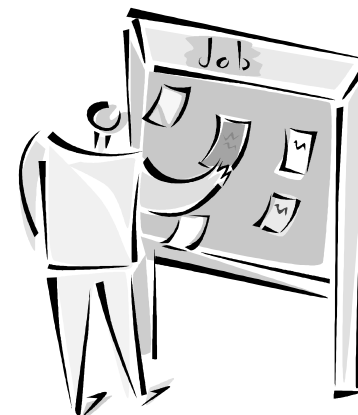


**THE COMMONWEALTH OF  
MASSACHUSETTS**  
*Department of Labor*

**Division of Occupational Safety  
Employment Agency Program**

**EMPLOYMENT AGENCY LAW**  
*Massachusetts General Law, Chapter 140, Sections 46A-46R*

**EMPLOYMENT  
AGENCIES**  
that place workers in  
Massachusetts must be  
either licensed or registered  
with the Division of  
Occupational Safety (DOS).



## Licensed vs. Registered... What's the Difference?

The premise of the Employment Agency Statute is that all employment agencies—in the broadest sense of that term—must be licensed. However, some agencies may meet the exceptions listed in Section 46A, and if they meet any one or all of the exceptions, they must be registered pursuant to Sections 46B and 46Q, as well as 801 CMR 4.02.

### The first exception to licensure:

- Any agency that does not charge fees to job applicants or workers may be registered.
- This exception, however, does not apply to agencies placing domestic employees\*. These agencies must still be licensed unless they can show that they fall within the second or third exception.

### The second exception to licensure:

- Any agency that employs workers directly AND only provides part-time or temporary help to others may be registered. This exception would apply even if an agency charges applicant fees and/or if an agency places domestic employees.

### The third exception to licensure:

- Any agency that only provides to employers or prospective employers, by electronic means, biographical information, background, and experience of applicants for temporary employment, help, or engagement may be registered. This exception does not apply, however, if the agency in any way attempts to connect prospective workers with specific employers or clients seeking their services.

*\*domestic employees, for the purposes of the Employment Agency Statute, are workers providing services in a home. Such services include, but are not limited to: nannies (of all types—live-in, live-out, “night nannies,” etc.), elder care workers, home companions, personal care attendants, babysitters.*

**For more information about  
license and registration requirements,  
visit [www.mass.gov/dos/](http://www.mass.gov/dos/)**

## THE EMPLOYMENT AGENCY LAW

### Massachusetts General Law Chapter 140, Sections 46A-46R

An employment agency is defined as, “...any person who conducts, in whole or in part an agency for the purpose of procuring or attempting to procure permanent or temporary help or employment or engagements, or for the registration of persons seeking such help, employment or engagement, or for giving information as to where and of whom such help, employment or engagement may be procured, where a fee is exacted or attempted to be collected for such ser-



**KNOW YOUR RIGHTS...  
KNOW YOUR RESPONSIBILITIES...**

There are many responsibilities and requirements of agencies, as well as rights and protections for workers contained within the Employment Agency Law.

To obtain a copy of the law, visit:

*Employment agencies run by organized labor, religious, charitable, nonprofit, accredited educational institutions, federal, state and municipal government organizations are exempted from most provisions of the Employment Agency Law.*

### *If you work for, or are thinking of working for, a job placement agency...*

Only work with agencies that are properly licensed or registered. The employment agency law is designed to protect workers from unscrupulous business practices and safeguard their earnings.

To view a list of currently licensed or registered employment agencies in Massachusetts, visit: [www.mass.gov/dos/](http://www.mass.gov/dos/)

If you have a question or a complaint about an employment agency, please contact DOS.

### *If you own, operate, or wish to consider operating a job placement agency...*

Any employment or service agency advertising, recruiting, or placing workers in MA must submit an annual application, supporting documentation, and requisite non-refundable fee to DOS. Visit [www.mass.gov/dos/](http://www.mass.gov/dos/) to download initial and renewal applications.

Agencies must post their current license or registration in a visible place within their agency.

Licensed and registered employment agencies are subject to inspection by DOS at any time during normal business hours.

We can answer any questions you may have about this law and its applicability. Please contact us!